



PLANNING COMMISSION AGENDA

Regular Meeting Date: 2.03.2016

Planning Commission
Meeting:

First Wednesday of every
Month @ 7:00pm

Planning & Community
Development Department

1812 Main Street
Lake Stevens, WA 98258
(425) 377-3235

www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

*Items attached

**Items previously
distributed

Items to be
distributed

- A. CALL TO ORDER: 7:00pm**
Pledge of Allegiance
- B. ROLL CALL**
- C. GUEST BUSINESS**
- D. ACTION ITEMS**
 - 1. Approval of 01.06.2016 Meeting Minutes**
- F. DISCUSSION ITEMS**
 - 1. Meet with Mayor to discuss proposed Downtown Subarea Plan and other planning projects.**
 - 2. Critical Areas Regulations - *Lucas**
 - 3. Administrative Variance Introduction - #Wright**
- G. COMMISSIONER REPORTS**
- H. PLANNING DIRECTOR / STAFF REPORTS**
- I. FUTURE AGENDA ITEMS**
 - 1. Joint Planning Commission / City Council Meeting**
 - 2. Clearing and Grading Briefing**
 - 3. Marijuana Amendments Public Hearing**
 - 4. Stormwater Introduction**
- J. ADJOURN**

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, at (425) 377-3227 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service,

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, January 6, 2016

CALL TO ORDER: 7:00 pm by Chair Tom Matlack

MEMBERS PRESENT: Chair Tom Matlack, Vice Chair Jennifer Davis, Janice Huxford, Gary Petershagen, Vicky Oslund, Tracey Trout

MEMBERS ABSENT: Linda Hoult

STAFF PRESENT: Interim Planning Director Russ Wright, Senior Planner Stacie Pratschner and Clerk Jill Meis

OTHERS PRESENT: Sally Jo Sebring

Excused Absence: Commissioner Petershagen made a motion to excuse Commissioner Hoult, Commissioner Huxford 2nd, Motion carried 6-0-0-1.

Guest business: None

Announcements: None

Action Items:

1. *Election of New Officers.* Commissioner Huxford made a motion to elect Tom Matlack to Chair and Jennifer Davis to Vice Chair, Commissioner Oslund 2nd. Motion carried 6-0-0-1.
2. *Approve December 2, 2015 Meeting Minutes.* Commissioner Petershagen made a motion to approve December 2, 2015 minutes, Commissioner Davis 2nd. Motion carried 6-0-0-1.

Discussion Items:

1. *Grading and Clearing Code Revision (LSMC14.44.100)* – Senior Planner Pratschner gave an informational briefing about the proposed amendments to the Grading and Clearing Code. She explained that there have been some changes to state policies and the city of Lake Stevens will look to integrate those changes into the LSMC. She also gave a proposed schedule of achieving that code amendment and fielded questions from commissioners.
2. *Marijuana Regulations* – Interim Planning Director Wright presented the changes the State of Washington has made for marijuana regulations and the possibility for municipalities to allow more retail facilities. The City has a moratorium in place preventing any additional retail facilities. The City has a regulation that prohibits co-locating marijuana producers and that regulation will be under review as well. Interim Planning Director Wright fielded questions and gave a proposed schedule

Commissioner Reports: Commissioner Oslund thanked the staff for providing the information for the meeting. Vice Chair Davis reported that the community uses the Haggen grocery store as a public civic space and its loss will be felt throughout the community. Chair

Matlack attended the retirement party for George Wood (former planning commissioner and sewer commissioner) and reported on the increased crime happening in the downtown area.

Staff Report: None

Adjourn: Motion by Vice Chair Davis, Commissioner Huxford 2nd. Motion carried 6-0-0-1.
Meeting adjourned at 8:27 p.m.

Tom Matlack, Chair

Jill Meis, Clerk, Planning &
Community Development



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing

Date: **February 3, 2016**

Subject: **Amendments to the City of Lake Stevens Critical Areas Regulations**

Contact Person/Department: **Russ Wright**, Interim Planning & Community Development Director
/ **Amy Lucas**, Associate Planner

SUMMARY:

Second briefing to the Planning Commission regarding proposed amendments to the City of Lake Stevens Critical Areas Regulations as mandated and outlined by RCW 36.70A.130 as part of the Comprehensive Plan update process.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action is requested at this time.

BACKGROUND / DISCUSSION:

The Growth Management Act of Washington requires cities and counties review their critical area ordinances as part of their mandatory Comprehensive Plan update under RCW 36.70A.130 (1) and (5). City of Lake Stevens Planning and Community Development staff have completed a review of the entire Critical Areas regulation Chapter 14.88 LSMC and are proposing some minor updates to the full chapter in addition to modest updates for permitting process clarification and inclusion of the 2014 changes to the Wetland Rating System for Western Washington manual.

The Washington State Department of Ecology (DOE) has recently made significant changes to the Wetland Rating System for Western Washington manual which became effective January 1, 2015. The changes were based on best available science and a better understanding of wetland ecological functions after reviewing results of an analysis of 211 wetland sites in eastern and western Washington. According to DOE, the changes to the rating system offer a more accurate characterization wetland functions based on the wetland characterization and rating.

Summary of Wetland Rating System Differences:

It should be noted that DOE essentially kept the structure of the Wetland Rating System the same with the update. Wetlands are still categorized as either I, II, III, or IV based on the rating of three wetland functions:

1. Water Quality
2. Hydrologic Functions
3. Habitat Functions

Five of the original criteria for establishing categorization have also been kept:

1. Sensitivity to Disturbance
2. Rarity
3. National Heritage Wetlands
4. Ability to replace
5. Functions provided by the wetland

The presence of federal or state listed threatened or endangered (T/E) species and wetlands of local significance have been dropped from the categorization criteria, because these criteria for local significance have rarely been used in the past.

There are three major changes to the DOE Wetland Scoring System relevant to the geography of Lake Stevens. First, the scoring range has been modified from 1 – 100 to 9 – 27, which reflects the scientific accuracy of the scoring tools. The scoring system has also changed to allow the reviewer to qualitatively rate the questions into low, medium and high ranges before assigning scores. Lastly, the Opportunity section of the scoring system has been replaced with two new sections – Landscape Potential and Landscape Value. Specifying the habitat potential and value of the wetlands allow a better evaluation method.

Summary of Proposed Code Changes:

The proposed changes (**Attachment A**) constitute the general scope of the Critical Areas Regulations update, mandated as part of the scheduled Comprehensive Plan Update. Many of the proposed changes to Chapter 14.88 LSMC are designed to improve clarity. The entire Critical Areas Chapter has been reviewed for language consistency with regards to critical areas and buffers. Data criteria for Mitigation Reports have been added to include existing and proposed site conditions, critical area and buffer impacts, and Best Available Science used in the report preparation in addition to requiring applicants to provide timing, duration and location of all phases of the mitigation plan.

Staff has added language to LSMC 14.88.278 to clarify the performance bond requirements for mitigation plan completion, which now includes the cost of monitoring in addition to the mitigation activity and plant schedules. Language has also been added to ensure that all permit conditions, code requirements and the standards bonded have been met prior to the conversion to a maintenance surety at twenty percent of the performance bond.

Section LSMC 14.88.290 has been re-titled “Critical Areas Tracts and Easements – Notice on Title”. New language makes it clear that all critical areas and buffers shall be protected by establishing Native Growth Protection Areas clarifies when critical areas and buffers are to be placed in tracts versus when they should be placed in easements. Staff is proposing to delete the requirement to dedicate NGPA tracts to the city for mitigation projects as well as the option of dedicating other non-mitigation NGPA's to the city. This is in line with other local jurisdictions such as Mill Creek, Snohomish and Everett, which require HOA or land trust ownership as opposed to dedication to the city.

Other proposed changes to the General Requirements section of Chapter 14.88 LSMC include removing the five acre threshold for on-site density transfers as staff could not find a scientific basis for the lot size trigger. Research was performed on BAS documents and other local jurisdiction codes to determine whether the lot size threshold should remain, or if it could be removed. Staff is proposing to remove the five acre minimum lot size, and have added Category II, III and IV wetlands, Fish and Wildlife Conservation areas and geologically hazardous areas not approved for alteration to the areas allowed for density transfer. Density and dimension requirements have also

been added to assist in processing and permitting the density transfer. Planning Commission can consider other options for the dimensions applied to density transfers. Staff has provided examples of other local jurisdictions' density transfer allowances for critical areas in **Attachment B**.

Innovative Design criteria has been added to Fish and Wildlife Conservation areas mitigation sub-section LSMC 14.88.440. Staff researched BAS documents to draft innovative design guidelines based on the habitat and hydrology functions of streams and their buffers. Providing specific desired goals for the innovative design gives staff specific goals to base approval decisions in the review process. Innovative Design criteria has also been added to the Wetland mitigation sub-section LSMC 14.88.840, and like the Fish and Wildlife Conservation criteria they are based on BAS and require the applicant to show improvement to the functions and values of the wetland and buffer areas for approval.

Updates to Chapter 14.88 LSMC - Part VII Wetlands have been made to adopt and reference the new Wetland Rating System manual and DOE publication number. Table 14.88-II has been updated to reflect the new DOE scoring changes and the requirements in LSMC 14.88.830 have been changed to accommodate the new scoring system. This section has been fully reviewed to remove and correct references to the old scoring system and DOE publications.

DOE provided quantitative data from 111 wetlands originally used to calibrate scoring in the 2004 manual, which compared the distribution of their determined categories in 2004 to their distribution under the 2014 scoring system (**Attachment C**). In order to better understand the local impacts of the new scoring system buffer widths compared to the 2004 system, staff contacted consultants to perform wetland scoring on five recent projects that used the 2004 system (**Attachment D**). With only fourteen wetlands reviewed, there is not enough data to produce quantitative or conclusive results, but the results do reflect trends consistent with the DOE analysis. Buffer widths that were reduced by the 2014 scoring system are shown in red, while buffer widths that were increased by the 2014 scoring system are shown in blue. The increased widths resulted from higher habitat scores that warrant more protection according to the DOE.

Project	Wetland ID	Size (Acres)	2004 Habitat Score	2004 Total Score	2004 Rating	2004 Buffer Width	2014 Habitat Score	2014 Total Score	2014 Rating	2014 Buffer Width
Grade Road	A	0.18	14	28	Category IV	35	5	14	Category IV	35
	B	0.61	10	38	Category III	50	4	15	Category IV	35
	C/D	2.16	12	32	Category III	50	5	15	Category IV	35
	E	1.59	13	33	Category III	50	5	15	Category IV	35
	F	0.31	13	27	Category IV	35	5	13	Category IV	35
	H	0.17	13	33	Category III	50	5	15	Category IV	35
20th Street SE Phase II	3	3.23	14	36	Category III	50	7	18	Category III	95
	4	0.56	15	43	Category III	50	6	17	Category III	95
	5	0.11	12	35	Category III	50	5	17	Category III	95
	7	0.09	12	37	Category III	50	5	17	Category III	95
Trestle Station	A	2.7	17	37	Category III	50	6	19	Category III	95
	B	0.05	14	18	Category IV	35	5	15	Category IV	35
McKay Subdivision	A	1.25	20	35	Category III	95	8	15	Category IV	35
S & G Plat	A	0.06	14	31	Category III	50	5	14	Category IV	35

Sources: Pertteet Inc., Wetland Resources

One wetland was re-categorized from a Category III to a Category IV and buffer width was reduced from 95 feet to 35 feet. Five wetlands were re-categorized from Category III's to Category IV's and buffer widths were reduced from 50 feet to 35 feet. Five Category III wetlands required wider buffers under the 2014 system due to the increased habitat scores. DOE has provided conversion tables for jurisdictions to use when updating their critical areas regulations to the 2014 system.

Tables for converting category scores

2004	Western WA	2014		2004	Eastern WA	2014
≥ 70	Category I	23-27		≥ 70	Category I	22-27
51-69	Category II	20-22		51-69	Category II	19-21
30-50	Category III	16-19		30-50	Category III	16-18
<30	Category IV	9-15		<30	Category IV	9-15

Tables for converting function scores

2004	Final Habitat Score	2014		2004	Final Water Quality Score	2014
29-36	High	8-9		24-32	High	8-9
20-28	Medium	5-7				
≤ 19	Low	3-4				

Source: Department of Ecology (<http://www.ecy.wa.gov/programs/sea/wetlands/ratingsystems/2014updates.html>)

DOE is also recommending wider buffer widths under the 2014 rating system and higher mitigation ratios for forested Category I wetlands and other Category II wetlands. Staff is not proposing to increase buffer widths or mitigation ratios at this time, but will provide this information to City Council for direction prior to Planning Commission's final briefing.

Staff is seeking feedback on the proposed changes to the Critical Areas Chapter 14.88 LSMC and will be returning for a 3rd briefing on February 17th. The drafted code changes fall under the scope presented to the Planning Commission on December 5, 2015, and will bring the City into compliance with RCW 37.70A.130 (1) and (5).

STAFF RECOMMENDATION:

No recommendation at this time as this is only a briefing to familiarize Planning Commissioners with the proposed code changes.

ACTION REQUESTED OF PLANNING COMMISSION:

No action at this time as this is only a briefing. Staff is scheduled to return for a third briefing on February 17, 2016.

ATTACHMENTS:

A – Proposed Code Changes to Chapter 14.88 LSMC

B – Density Transfer Allowance Comparison

C – DOE Distribution of Wetland Categories 2004 v. 2014

D – Perteet Wetland Scoring Memo January 15, 2016